

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ANGELO MALIK KING and
AMARION DEMERIOUS KING, Minors.

DEPARTMENT OF HUMAN SERVICES, f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
February 2, 2006

Petitioner-Appellee,

v

ANGELA CHARICE KING,

Respondent-Appellant.

No. 262460
Wayne Circuit Court
Family Division
LC No. 02-413885-NA

Before: Sawyer, P.J., and Wilder and H. Hood*, JJ.

PER CURIAM.

Respondent appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (g). We affirm.

The trial court did not clearly err in finding that clear and convincing evidence supported the statutory grounds for termination of respondent's parental rights. MCR 3.977(J); *In re JK*, 468 Mich 202, 209-210; 661 NW2d 216 (2003). In order to terminate parental rights, the trial court must find that at least one of the statutory grounds for termination in MCL 712A.19b(3) has been met by clear and convincing evidence. *Id.* at 210. On appeal from termination of parental rights proceedings, this Court reviews the trial court's findings under the clearly erroneous standard. *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Gazella*, 264 Mich App 668, 672; 692 NW2d 708 (2005). A finding of fact is clearly erroneous if the reviewing court is left with a definite and firm conviction that a mistake was made. *In re JK*, *supra* at 209-210.

For over 2-1/2 years, respondent was given opportunity after opportunity to demonstrate that she could become drug-free and establish a suitable home for her children. However, the record clearly shows that respondent only sporadically took advantage of these opportunities and could not demonstrate at the termination hearing that she had benefited from any program, was drug-free, or was in compliance with the requirements of the parent/agency agreement. Although respondent had participated in some services, including sobriety programs, she had not

* Former Court of Appeals judge, sitting on the Court of Appeals by assignment.

completed the programs and was still testing positive on many drug screens including the most recent, which was positive for alcohol. She submitted proof of only sporadic AA/NA attendance. She provided no proof of a suitable income or home. “[I]t is not enough to merely go through the motions; a parent must benefit from the services offered so that he or she can improve parenting skills to the point where the children would no longer be at risk in the parent's custody.” *In re Gazella, supra* at 676. Further, she did not consistently visit the children and provided no explanations for her nonattendance at visitations.

Upon review of the record, we find that respondent was never in substantial compliance with her parent/agency agreement. Her short periods of partial compliance during the lengthy pendency of this case demonstrates clearly and convincingly that the conditions leading to the adjudication continued to exist and there was no reasonable likelihood that they would be rectified within a reasonable time considering the amount of time that respondent had been given and the ages of her children. MCL 712A.19b(3)(c)(i). The record also contains clear and convincing evidence that respondent had failed to provide proper care or custody for her children and there was no reasonable expectation that she would be able to do so within a reasonable time, as demonstrated by her failure to visit them for months at a time and her failure to obtain income, a suitable home, and remain drug-free. MCL 712A.19b(3)(g).

Furthermore, the evidence did not show that the children's best interests precluded termination of respondent's parental rights. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). Although the children were placed with relatives of respondent, and there was some evidence of a bond between them and respondent, the children also deserved a permanence and stability that respondent clearly could not provide. Therefore, the trial court did not clearly err in terminating respondent's parental rights.

Affirmed.

/s/ David H. Sawyer
/s/ Kurtis T. Wilder
/s/ Harold Hood